

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**  
UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
**APR 20 2021**  
JEFFREY P. ALLSTEADT, CLERK  
INTAKE 1

KYRA HARPER,  
Plaintiff,

NO.96-19846

CHAPTER 7

V.

Judge Goldgar

U.S DEPARTMENT OF EDUCATION,  
DEFENDANT.

NO.20-319

PLAINTIFF'S RULE 26(A)(1) INITIAL DISCLOSURES

Pursuant to fed. R. Civ. P. (26)(a), plaintiff hereby serves these Initial Disclosures to Defendant.

Appendix A to these disclosures identifies these five entities that may have documents that may be relevant to disputed facts alleged with particularity in pleading.

Assistant attorney David H. Decelles in his answer stated that the plaintiff fails to state damage against the U.S Department of Education (DOE), because that claim is barred by sovereign immunity.

However, under Griffin's rule, if the DOE fraudulently transferred tax overpayment refunds, willfully violated the discharge of debt, plaintiff can ask for damages in her claim. Plaintiff believes that through the discovery phase, plaintiff will be able to reveal that the DOE(possibly an employee )was in collusion with Premiere collection agency to bypass the Illinois Student Assistance Commission (ISAC) to triple the principal balance of the loan, and seize her overpayment of her tax refund , threatening garnish her wages , suspension of her professional license.

PLANTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR THE PRODUCTION OF DOCUMENTS

Below are a list of individuals/entities who may have discoverable information relevant to the disputed facts:

1. U.S Department of Education: possess information regarding plaintiff loan history see DKT 1 Exhibit C which states she filed for a \$8,5000.00 loan 10/22/1985 and was disbursed on 12/29/1994?- plaintiff request all documentation on her loan history from the National student loan data base(NSLDS). The Default Resolution Group (DRG) possess documents in regard to the date and year they allegedly assigned Premier Credit of North America Collection agency as their servicer see DKT 1 Exhibit B which states she received a Federal Family Educational loan of \$8,500.00 in 1994 that later enter their database on June 11,1996 as a default-request all documents.

Plaintiff believes this was done intentionally to appear to disqualify her for discharging her loans unless she filed an undue hardship complaint.

Prior to the legal change in 1998, student borrowers could discharge their loans if student borrower had been in repayment for seven year, notwithstanding the undue hardship test.

Plaintiff request all documents and communications in reference to the DOE allegedly reopening her bankruptcy without notifying her, seven-teen years later. This action subsequently caused the principal balance to triple, the interest ballooned too \$11,500.00, fees \$4,000.00.

2. Illinois Student Assistance Commission (ISAC): possess information regarding an alleged default of a Federal Family Education she allegedly received in 1994 that went into default in 1996-produce all documents, communications in reference to the default, and produce all documents, communications of the date and year Premiere Credit of North America was assigned to the account(no: 1001591388).

3. Assistance U.S Attorney Michael J Kelly : possess information regarding forbearance of her student loans. In previous litigation, case #17C3885, Judge Ellis's final order stated that Attorney Michael Kelly will not pursue the debt if she could prove she never received three years of suspension of repayments of the loan, as well as the date she left Eastern Illinois University see DKT1 Exhibit I. Judge Ellis suggested that plaintiff reach out to Attorney Kelly to review any discrepancies they might have. Plaintiff reached out to him twice by phone and emailed; he never returned her calls. Instead he emailed her a student aid packet to complete to start repayment of the loans. Plaintiff, therefore request him to produce documents and communication ,which he never submitted in the case , to support his claim of 1,168 days of forbearances.

4 . Premiere Credit of North America: possess information regarding the date and year that the U.S Department of Education allegedly assigned them her account(no.100159388). Also produce all documents, communication from the Better Business Bureau(BBB),Financial Protection Bureau(CFPB),Office of the Attorney General State of Illinois, Office of The Indiana Attorney general . Plaintiff filed complaints with these agencies in an attempt to exhaust all avenues to resolve the issue prior to being force to file a federal case. Plaintiff request all documents, communication they had with the DOE see Exhibit A,B,C,D.

5. Attorney Daniel Lee: possess information regarding varies documents in reference to where he obtained the documents that he PDR plaintiff in an attempt to persuade her to refinance her student loans, such as: the alter National Student Loan history, an incomplete and redacted repayment history from IDAPP, forbearances and ISAC claim for loan reimbursement. Plaintiff also request documents and communications he had with the DOE, U.S Attorney Michael Kelly, and Attorney Kevin Steve Boroza, who was the attorney for Premier Credit of North America in case 17 3885 .

Appendix A: Below are a list of individuals/ entities , their address and phone numbers in the Request For Productions OF Documents

1. U.S Department of Education  
400 Maryland ave, sw  
Washington, DC 20202  
800-872-5327
2. Illinois Student Assistance Commission  
1755 Lake Cook Rd, Deerfield, IL 60015  
(708) 948-8500
3. Assistant U. S Attorney Michael J. Kelly  
219 South Dearborn Street  
Chicago, IL 60604  
(312) 353-4220
4. Premiere Credit of North America  
2000 Wellesley Blvd. Suite 100  
Indianapolis, IN 46219  
888 751-3256

5. Attorney Daniel Lee @ Klein Daday Aretos and O'Donogue

2550 W. Golf Road

Rolling Meadows, IL 60006

(847) 590-8700

6. Kevin Steve Borozan @ Wood, Smith Henning and Berman

222 South Riverside Plaza, suite 640

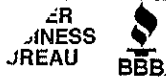
Chicago, IL 60606

(312) 766-4446

Respectfully Submitted  
  
Kyra Harper

1110 East 165<sup>th</sup>

South Holland IL 60473



# CUSTOMER COMPLAINT

The Better Business Bureau  
151 N. Delaware Street, #2020  
Indianapolis, IN 46204-2599

**IMPORTANT! COMPLETE ALL 6 SECTIONS — WRITE FIRMLY**

<b>1</b>	DATE PROBLEM OCCURRED	DATE(S) YOU COMPLAINED TO CO.	TO WHOM	PRODUCT OR SERVICE INVOLVED
	BRAND NAME OF MFG N/A	MODEL NAME OR NO. N/A	DATE PURCHASED N/A	ORDER CONTRACT, ACCT. NO., OR POLICY NO.
	AMOUNT INVOLVED	NAME OF SALESPERSON	IF ADVERTISING INVOLVED, WHERE AND WHEN	
<b>2</b>	COMPANY PHONE NO.	CUSTOMER HOME PHONE NO.	CUSTOMER WORK NUMBER	CUSTOMER EMAIL

COMPANY • NAME • ADDRESS • CITY • STATE • ZIP

CUSTOMER • NAME • ADDRESS • CITY • STATE • ZIP

**3** WHAT IS YOUR COMPLAINT? (Also be sure to enclose photocopies of contracts, receipts, cancelled checks or other relevant documents):

*I am filing this complaint with the BBB prior to filing a formal complaint — lawsuit against the Memiere Collection Agency. This is my attempt to exhaust all non-legal remedies prior to filing a lawsuit for the theft of my property, which is my Dec. 2012 Federal Tax Refund of \$2819.00. I filed for personal bankruptcy — Chapter 7 in 1996. The law at that time was student loans were dischargeable if the loan was in repayment status for at least five years. See Exhibit A. My student loan was due in 1986. After my bankruptcy, all my creditors, including this student loan was deleted from my credit reports. I also started receiving my Annual Tax Refunds again. In July of 2013 when I hadn't received my federal income tax refund, I started calling the IRS office.*

*Page 1 of 1*

**4** What settlement would you consider fair?

**5** Occasionally the Bureau works with other agencies regarding a complaint. Do we have permission to release your information? ☐ Yes ☐ No

**6** Has this issue been filed in a court? ☐ Yes ☐ No

Your Signature \_\_\_\_\_ Date: \_\_\_\_\_

*Exhibit A*

Your privacy is important to us. The BBB privacy policy can be found at [www.indybbb.org](http://www.indybbb.org) or by contacting us. The text of your complaint may be publicly posted on the BBB Web Site (BBB reserves the right to not post in accordance with policy). Please do not include any personally identifiable information in describing the nature of your complaint. By submitting your complaint, you are representing that it is a truthful account of your experience with the business. BBB may edit your complaint to protect privacy rights and to ensure clarity.

IMPORTANT! COMPLETE ALL 6 SECTIONS — WRITE FIRMLY

1	DATE PROBLEM OCCURRED	DATE(S) YOU COMPLAINED TO CO.	TO WHOM	PRODUCT OR SERVICE INVOLVED
	BRAND NAME OF MFG.	MODEL NAME OR NO.	DATE PURCHASED	ORDER CONTRACT, ACCT. NO., OR POLICY NO.
	AMOUNT INVOLVED	NAME OF SALESPERSON	IF ADVERTISING INVOLVED, WHERE AND WHEN	

2	COMPANY PHONE NO.	CUSTOMER HOME PHONE NO.	CUSTOMER WORK NUMBER	CUSTOMER EMAIL
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Subscribed and sworn to before me  
this 13th day of April, 2014  
at Homewood, Illinois

CUSTOMER • NAME • ADDRESS • CITY • STATE • ZIP  
"OFFICIAL SEAL"  
SHELLEY SCOTT  
Notary Public, State of Illinois  
My Commission Expires July 19, 2014  
Commission No. 555697

3 WHAT IS YOUR COMPLAINT? (Also be sure to enclose photocopies of contracts, receipts, cancelled checks or other relevant documents):

Continued from page 1. Addendum.  
I was told Premier Collection Agency took my Federal tax refund (seventeen years later, and without any notification), to settle my default student loan debt. I explained to the Customer Service agent that I filed for bankruptcy in 1994 and the loan was discharged. I was told they will send me some forms to complete to request a hearing, send the forms back and all supportive documentation, which I did — see exhibit B. They refuse me a hearing — see exhibit C. The company then changed the narrative and stated that I took out a student loan at Eastern Ill. Univ. of \$8,500.00 in 1994. I sent them a copy of my transcripts — my last date of attendance was 1988. I then ask the company to send me the 1994 alleged loan promissory note I signed... I have yet to receive. I filed bankruptcy seventeen years ago to get a fresh financial start again. Also I complete a complaint with the CFPB in Jan. 2014, but well...

4 What settlement would you consider fair? not know their findings on the matter unless a lawsuit is file in court — that's what I was recently told. Page 21.2

5 Occasionally the Bureau works with other agencies regarding a complaint. Do we have permission to release your information? ☐ Yes ☐ No

6 Has this issue been filed in a court? see previous form. ☐ Yes ☐ No

Your Signature: [Signature] Date:

Your privacy is important to us. The BBB privacy policy can be found at [www.indybbb.org](http://www.indybbb.org) or by contacting us.

The text of your complaint may be publicly posted on the BBB Web Site (BBB reserves the right to not post in accordance with BBB policy). Please do not include any personally identifiable information in describing the nature of your complaint. By submitting your complaint, you represent that it is truthful account of your experience with the business. BBB may edit your complaint to protect do not and to remove inappropriate language.

COMPANY INFORMATION

MY INFORMATION

REVIEW AND SUBMIT

## Thank you for submitting!

Your complaint number with premierecredit of north america:  
#131207-000110

Form trouble? Chat now.

Expect an email shortly confirming your complaint. Please keep your complaint number handy as it will be useful for checking on the status of your submission. You can return to [consumerfinance.gov/complaint](https://consumerfinance.gov/complaint) anytime to log back in and check on the status of your complaint.

### What to expect next

#### Review & route

We'll forward your complaint to the company and work to get a response from them. If we find that another government agency would be better able to assist, we will forward your complaint to them and let you know.

#### Company response

The company will review your complaint, communicate with you as needed, and report back about the steps taken or that will be taken on the issue you identify in your complaint.

#### Consumer review

We will let you know when the company responds. You can review that response and give us feedback.

#### Review and investigate

Complaint data is shared with state and federal law enforcement agencies. Complaints tell us about business practices that may pose risks to consumers. If we need more information, we'll reach out and let you know.

#### Analyze and report

Complaints help with our work to supervise companies, enforce federal consumer financial laws, and write better rules and regulations. We also report to Congress about the complaints we receive and post some consumer complaint data.

Privacy act statement | OMB #3170-0011

Have questions? Need help with this form? (855) 411-2372

An official website of the United States government

Exhibit B



*Premiere Credit*  
*of North America, LLC*

June 15, 2015

Carrie Foley  
Office of the Illinois Attorney General  
Consumer Protection Division  
100 W. Randolph St. 12<sup>th</sup> Flr.  
Chicago, IL 60601

Re: Kyra Harper  
File No. 2015-CONSC-00002427  
Account # 80612511

Dear Ms. Foley:

Thank you for contacting Premiere Credit of North America, LLC (Premiere Credit) regarding the inquiry sent to your office by Kyra Harper. Premiere Credit is a third party accounts receivable management firm contracted by the United States Department of Education (ED) to collect defaulted student loans.

Ms. Harper's inquiry states she received an educational loan in 1982 and began repaying in 1988. Further she states in 1996 she filed Chapter 7 Bankruptcy in which she included her student loans and believes them to be discharged. Ms. Harper proceeds to state that her taxes have been offset.

Premiere Credit has reviewed its system notes to determine Ms. Harper previously filed both a Consumer Financial Protection Bureau Inquiry and a Better Business Bureau Inquiry with the same concerns in 2014. Premiere Credit answered both inquiries in a timely manner, providing: origination dates, loan amounts, promissory notes and the financial institution in which these loans were originated.

Per the previous responses, Premiere Credit also informed Ms. Harper that her student loans were not eligible to be discharged in her Chapter 7 Bankruptcy. The Department of Education has also notified Ms. Harper directly that the applicable section of the bankruptcy code in effect at the time of her bankruptcy clarified that her loans were not dischargeable unless a court granted her an undue hardship exception. Ms. Harper has never provided documentation showing a court sanctioned hardship, and the documentation submitted with her recent complaint still does not support her declaration that the loans were discharged.

Regarding Ms. Harper's inquiry about her federal taxes, Premiere Credit does not initiate tax offsets. Ms. Harper's account has now been closed in our office since January 24, 2015.

For more information concerning her federally insured student loan(s) we would encourage Ms. Harper to review the U.S. Department of Education's National Student Loan Data System at

OFFICE OF THE INDIANA ATTORNEY GENERAL

CONSUMER PROTECTION DIVISION

502 W. WASHINGTON STREET, 5TH FLOOR • INDIANAPOLIS, IN 46204-2770

www.IndianaConsumer.com

GREG ZOELLER  
INDIANA ATTORNEY GENERAL

PHONE: 317.232.6330  
FAX: 317.233.4393

October 2, 2014

Kyra Harper  
PO Box 1217  
South Holland, IL 606473

[ Re: File No. 14-CP-60859 Premiere Credit of North America, LLC ]

Dear Ms. Harper:

This will acknowledge receipt of the above referenced complaint.

Your complaint indicates that a judgment has already been entered in this matter. Please be aware that the Indiana Attorney General's Office does not have authority to supersede a court decision, nor does our authority extend to assisting individuals in the collection of judgments. Consequently, we are not in a position to assist you further.

You may wish to contact a private attorney of your choice for advice regarding the potential to appeal the Court's decision, should you wish to pursue the matter further.

Sincerely,



Benjamin Moyer  
Mediator  
benjamin.moyer@atg.in.gov

Exhibit D